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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION
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22 EMC CORPORATION,

23 Plaintiff,

24 vs.

25 BRIGHT RESPONSE, LLC,

26 Defendant.
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CASE NO. 3:12-cv-02841-EMC

**STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER**

[Fed. R. Civ. P. 41(a)(2), (c)]

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and (c), plaintiff EMC Corporation and defendant Bright Response, LLC hereby stipulate to an order dismissing (1) plaintiff's declaratory judgment claim of non-infringement WITH PREJUDICE; and (2) plaintiff's declaratory judgment claim of invalidity WITHOUT PREJUDICE. There currently are no claims or counterclaims being asserted by defendant in this action. Each party shall bear its own costs, expenses, and attorneys' fees.

ORDER OF DISMISSAL

CAME ON THIS DAY for consideration of the Stipulation of Dismissal of all claims asserted by plaintiff EMC Corporation in the above-captioned action, and the Court being of the opinion that said Stipulation should be GRANTED.

It is hereby ORDERED, ADJUDGED, AND DECREED that (1) plaintiff's declaratory judgment claim of non-infringement is hereby dismissed WITH PREJUDICE; and (2) plaintiff's declaratory judgment claim of invalidity is hereby dismissed WITHOUT PREJUDICE. It is further ORDERED that all attorneys' fees and costs are to be borne by the party that incurred them.

SO STIPULATED:

DATED: January 11, 2013

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Patrick Curran
Patrick Curran

Attorneys for Plaintiff EMC Corporation

DATED: January 11, 2013

BLACK CHANG & HAMILL LLP

By /s/ Andrew Hamill
Andrew Hamill

Attorneys for Defendant Bright Response, LLC

ATTESTATION

I, Andrew M. Holmes, hereby attest that concurrence in the filing of this document has been obtained from Andrew Hamill, counsel for Bright Response, LLC. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of January, 2013 in San Francisco, California.

By /s/ Andrew M. Holmes
Andrew M. Holmes

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/14/13

